

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

HARRIS METHODIST FORT WORTH

VS.

SALES SUPPORT SERVICES, INC.  
EMPLOYEE HEALTH CARE PLAN and  
SALES SUPPORT SERVICES, INC.

VS.

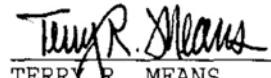
TRANSAMERICA LIFE INSURANCE  
AND ANNUITY COMPANY, ET AL.

ACTION NO. 4:01-CV-567-Y

ORDER GRANTING MOTION TO STRIKE ANSWER TO COUNTERCLAIM

Pending before the Court is the Renewed Motion to Strike Third-Party Plaintiffs' Answer to Counterclaim [document number 180] filed by third-party defendant Berkley Risk Managers ("Berkley"). After review of the motion, related briefs, and the record in this cause, the Court concludes that the motion should be and is hereby GRANTED, for the reasons urged by Berkley. The Court agrees with Berkley that a reply to its counterclaim was required, and that the reply was due within ten days after the filing of the counterclaim. Inasmuch as the third-party plaintiffs have failed even to attempt to demonstrate excusable neglect for their failure to timely file the reply, the Court concludes that it must be stricken. Accordingly, the third-party plaintiffs' answer to Berkley's counterclaim [document number 145] is STRICKEN.

SIGNED September 28, 2006.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE